

Article - Natural Resources

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§8–1802.

- (a) (1) In this subtitle the following words have the meanings indicated.
 - (2) “Atlantic Coastal Bays” means the Assawoman, Isle of Wight, Sinepuxent, Newport, and Chincoteague Bays.
 - (3) “Atlantic Coastal Bays Critical Area” means the initial planning area identified under § 8–1807 of this subtitle.
 - (4) “Buffer” means an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from manmade disturbances.
 - (5) “Chesapeake Bay Critical Area” means the initial planning area identified under § 8–1807 of this subtitle.
 - (6) “Commission” means the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays established in this subtitle.
 - (7) “Critical Area” means the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area.
 - (8) “Developer” means:
 - (i) A person who undertakes development as defined in this section; or
 - (ii) A person who undertakes development activities as defined in the criteria of the Commission.
 - (9) “Development” means any activity that materially affects the condition or use of dry land, land under water, or any structure.
 - (10) (i) “Dwelling unit” means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life.

(ii) “Dwelling unit” includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

(11) “Growth allocation” means the number of acres of land in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area that a local jurisdiction may use to create new intensely developed areas and new limited development areas.

(12) “Includes” means includes or including by way of illustration and not by way of limitation.

(13) (i) “Intensely developed area” means an area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where:

1. Residential, commercial, institutional, or industrial developed land uses predominate; and
2. A relatively small amount of natural habitat occurs.

(ii) “Intensely developed area” includes:

1. An area with a housing density of at least four dwelling units per acre;
2. An area with public water and sewer systems with a housing density of more than three dwelling units per acre; or
3. A commercial marina redesignated by a local jurisdiction from a resource conservation area or limited development area to an intensely developed area through a mapping correction that occurred before January 1, 2006.

(14) “Land classification” means the designation of land in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in accordance with the criteria adopted by the Commission as an intensely developed area or district, a limited development area or district, or a resource conservation area or district.

(15) (i) “Limited development area” means an area:

1. That is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat; and

2. Where the quality of runoff has not been substantially altered or impaired.

(ii) “Limited development area” includes an area:

1. With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;

2. With a public water or sewer system;

3. That is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or

4. That is less than 20 acres and otherwise qualifies as an intensely developed area under paragraph (13) of this subsection.

(16) “Local jurisdiction” means a county, or a municipal corporation with planning and zoning powers, in which any part of the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area, as defined in this subtitle, is located.

(17) (i) “Lot coverage” means the percentage of a total lot or parcel that is:

1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or

2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.

(ii) “Lot coverage” includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) “Lot coverage” does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

3. A wood mulch pathway; or

4. A deck with gaps to allow water to pass freely.

(18) (i) “Program” means the critical area protection program of a local jurisdiction.

(ii) “Program” includes any amendments to the program.

(19) (i) “Program amendment” means any change or proposed change to an adopted program that is not determined by the Commission chairman to be a program refinement.

(ii) “Program amendment” includes a change to a zoning map that is not consistent with the method for using the growth allocation contained in an adopted program.

(20) (i) “Program refinement” means any change or proposed change to an adopted program that the Commission chairman determines will result in a use of land or water in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the critical area.

(ii) “Program refinement” may include:

1. A change to an adopted program that results from State law;
2. A change to an adopted program that affects local processes and procedures;
3. A change to a local ordinance or code that clarifies an existing provision; and
4. A minor change to an element of an adopted program that is clearly consistent with the provisions of this subtitle and all of the criteria of the Commission.

(21) (i) “Project approval” means the approval of development, other than development by a State or local government agency, in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area by the appropriate local approval authority.

(ii) “Project approval” includes:

1. Approval of subdivision plats and site plans;

2. Inclusion of areas within floating zones;
3. Issuance of variances, special exceptions, and conditional use permits; and
4. Approval of rezoning.

(iii) “Project approval” does not include building permits.

(22) (i) “Resource conservation area” means an area that is characterized by:

1. Nature dominated environments, such as wetlands, surface water, forests, and open space; and
2. Resource-based activities, such as agriculture, forestry, fisheries, or aquaculture.

(ii) “Resource conservation area” includes an area with a housing density of less than one dwelling per five acres.

(23) “Tributary stream” means a perennial stream or an intermittent stream within the critical area that has been identified by site inspection or in accordance with local program procedures approved by the Commission.

(b) Wherever this subtitle requires Prince George’s County to exercise any power or authority Prince George’s County shares with the Maryland–National Capital Park and Planning Commission, the obligation imposed by this subtitle rests on both the county and the Maryland–National Capital Park and Planning Commission in accordance with their respective powers and authorities.

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